

**United States District Court  
Southern District of Texas  
FILED**

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

FEB 09 1998

**Michael N. Milby, Clerk**

**RONA BYNUM, JOE BYNUM,  
JESSICA BLISS  
DALE GREGORY**

**VS.**

DR. WILLIAM MURRAY, §  
DR. WAYLAND H. DILLARD, §  
DR. SYED MUSTAFA §  
UNITED STATES OF AMERICA §  
NAS/NAVAL HOSPITAL AT CORPUS CHRISTI, §  
TEXAS AND §  
BAY AREA HEALTHCARE §  
GROUP, LTD. d/b/a COLUMBIA BAY AREA §  
MEDICAL CENTER §

C.A. NO. **C - 98 - 047**

## JURY TRIAL DEMANDED

## PLAINTIFF'S COMPLAINT

NOW COME the Plaintiffs, Rona Bynum, Joe Bynum, Jessica Bliss and Dale Gregory, individually who complain of the Defendants, United States of America, Dr. William Murray, Dr. Wayland H. Dillard, Dr. Syed Mustafa, NAS/Naval Hospital at Corpus Christi, Texas, and Bay Area Healthcare Group, Ltd. d/b/a Columbia Bay Area Medical Center would show the following:

Plaintiffs, Rona Bynum, Joe Bynum, Jessica Bliss and Dale Gregory, seek and request a Jury Trial and make this their JURY TRIAL DEMAND as required by law.

**I.**

1. Plaintiffs, Rona Bynum and Joe Bynum are individuals who reside in Nueces County, Texas.
2. Plaintiff, Jessica Bliss is an individual who resides in Perris, California.
3. Plaintiff, Dale Gregory is an individual who resides in Norwick, Connecticut.

Defendants, United States of America and NAS/Naval Hospital at Corpus Christi, Texas can be served by (1) serving by certified mail the United States Attorney for the Southern District of Texas, Civil Process Clerk, 910 Travis, Suite 1500, P.O. Box 61129, Houston, Texas 77208 and by (2) sending a copy of the summons and of the complaint by registered or certified mail to the Attorney General of the United State at Washington, District of Columbia, Hon. Janet Reno, Attorney General of the United States, Department of Justice, 950 Pennsylvania Ave. N.W., Room 4400, Washington D.C., 20530-0001 and by (3) sending a copy of the summons and of the complaint by registered or certified mail to the officer, agency, or corporation of NAS/Naval Hospital at Corpus Christi, Texas at 10651 E. Street, Corpus Christi, Texas 78419-5131, Captain Nancy Lescavage;

Defendant, Dr. William Murray by serving him at 2355 Fairview, #159, Roseville Minnesota, 55113;

Defendant, Dr. Wayland H. Dillard by serving him at 7146 Windbrook Lane, Corpus Christi, Texas 78414;

Defendant, Dr. Syed Mustafa by serving him at 13549 Port Royal Court, Corpus Christi, Texas 78418;

Defendant, Bay Area Healthcare Group, Ltd. d/b/a Columbia Bay Area Medical Center, by serving the registered agent which is Prentice-Hall Corporation System, who may be served at 800 Brazos Austin, Texas 78701 . This Defendant will hereinafter be referred to as “Defendant Bay Area Hospital”.

## II.

Venue is proper in Nueces County since the events occurred in Nueces County, Texas, and the Plaintiffs, Rona Bynum and Joe Bynum, reside in Nueces County, Texas. Further, jurisdiction



is proper since suit is brought under the Federal Tort Claims Act against the United States of America .

### **III.- FACTS**

1. Plaintiff, Rona Bynum was being treated at the NAS/Naval Hospital at Corpus Christi, Texas by various doctors. Treatment had been continuing and did so continue until referral to a private local hospital in March, 1996.

2. Defendants Dr. William Murray, Dr. Syed Mustafa, Dr. Wayland H. Dillard, as well as doctors for the United States of America and at the NAS/Naval Hospital at Corpus Christi, Texas and "Defendant Bay Area Hospital" rendered treatment to Plaintiff Rona Bynum for various symptoms.

3. Plaintiff Rona Bynum suffered from various symptoms which were not diagnosed or incorrectly diagnosed and remained untreated which resulted in the loss of her kidneys and further complications.

4. Plaintiffs allege that Rona Bynum was not referred to a specialist or a qualified facility to treat her symptomology and such allowed the condition to worsen.

5. As a result of the continued lack of adequate and timely diagnosis and lack of any treatment by a qualified physician for the condition from which Rona Bynum suffered.

### **IV.- NEGLIGENCE**

Plaintiffs, Rona Bynum, Joe Bynum, Dale Gregory, and/or Jessica Bliss allege that one or more of the Defendants above were negligent, individually and/or by and through their agents, servants, representatives, and/or employees in one or more of the following manners, among others:

- a. Failing to properly staff a hospital or medical facility with qualified physicians to diagnose and/or treat a patient;

- b. Failing to provide adequate medical services to patient;
- c. Failing to arrange for an adequate facility with qualified physicians which can diagnosis and/or treat;
- d. Failing to timely refer Plaintiff Rona Bynum to an adequate civilian or military medical facility;
- e. Failing to properly and timely treat a medical condition once a diagnosis was made; and
- f. Failure to establish adequate procedures and rules for situation for medical care referrals or treatment when a physician is not available;

#### **V. - DAMAGES**

6. As a direct result and proximate cause of the negligence of each of the Defendants, jointly and/or severally, Plaintiff, Rona Bynum suffered injuries to her body generally.

7. Plaintiff, Rona Bynum, incurred past medical bills and in all reasonable probability will sustain medical bills in the future. Plaintiff alleges further damages in that she suffered:

- a. Pain in the past;
- b. Pain in the future;
- c. Mental suffering in the past;
- d. Mental suffering in the future;
- e. Physical impairment in the past;
- f. Physical impairment in the future;
- g. Loss of earning capacity in the future; and
- h. Loss of wages in the past.

This Plaintiff alleges that her damages exceed the minimal jurisdictional limits of this



Honorable Court.

9. Plaintiff, Joe Bynum alleges damages in that he has suffered:
  - a. Loss of household services in the past and in the future;
  - b. Loss of consortium in the past and in the future;
  - c. Cost and value of nursing services in the past and in the future which Joe Bynum has been required to give Rona Bynum; and
  - d. Lost wages in the past and in the future.

This Plaintiff alleges that his damages exceed the minimal jurisdictional limits of this Honorable Court.

10. Plaintiff, Dale Gregory seeks damages in that she has suffered loss of parental consortium in the past and will in all reasonable probability sustain such in the future.

This Plaintiff alleges that her damages exceed the minimal jurisdictional limits of this Honorable Court.

11. Plaintiff, Jessica Bliss seeks damages in that she has suffered loss of parental consortium in the past and will in reasonable probability sustain such in the future.

This Plaintiff alleges that her damages exceed the minimal jurisdictional limits of this Honorable Court.

12. Each Plaintiff named above seeks pre- and post-judgment interest at the maximum rate allowed by law.

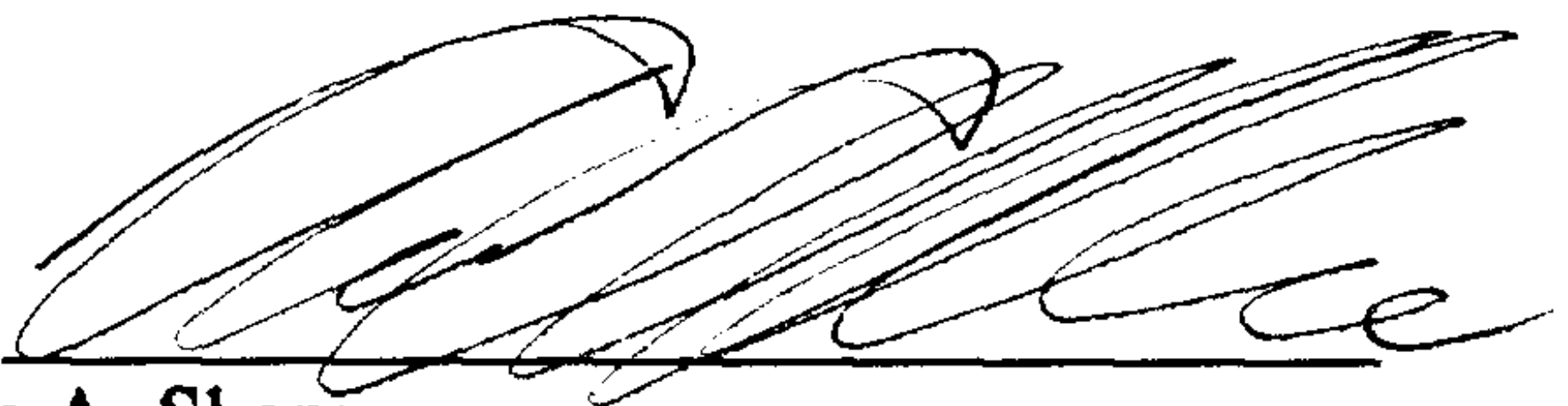
### **PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** each Plaintiff, Rona Bynum, Joe Bynum, Dale Gregory, and Jessica Bliss, pray that:

13. Defendants be cited to appear as required by law and answer herein; and

14. Upon trial of the merits of this cause that Plaintiffs be awarded damages, against Defendants, jointly and several, in excess of the minimal jurisdictional limits of this Court as pled, and damages as set forth above;
  15. Plaintiffs be awarded costs of court;
  16. Plaintiffs be awarded prejudgment and post judgment interest at the highest lawful rates; and
  17. Plaintiffs also ask for such other and further relief to which Plaintiffs may be entitled.
- Plaintiffs pray for general relief.

Respectfully submitted,

By: 

Ann A. Skaro  
Attorney for Plaintiff  
Mercantile Tower, Suite 725  
615 Upper North Broadway  
Corpus Christi, Texas 78477  
Tel. No. (512) 884-2961  
Fax. No. (512) 884-7921  
State Bar No. 18454300  
Fed. ID No. 74-236-9663